GOVERNMENT OF INDIA
PANCHAYATI RAJ
LOK SABHA

STARRED QUESTION NO:143
ANSWERED ON:15.07.2004
DEVOLUTION OF POWERS TO PANCHAYATI RAJ INSTITUTIONS
Delkar Shri Mohanbhai;Singh Shri Rajiv Ranjan (Lalan)

Will the Minister of PANCHAYATI RAJ be pleased to state:

(a) whether the Government propose to give more powers and funds to the Panchayati Raj Institutions to enable them to function as local self Government;

(b) if so, the details thereof alongwith the number of requests received so far by the Government from Panchayat Chiefs in this regard, State-wise;

(c) whether the Government have a proposal to transfer about 29 subjects to Panchayats as per the Article 243G of 73rd (Amendment) Act, 1992 of the Constitution;

(d) if so, the details thereof;

(e) whether the Twelfth Finance Commission has recommended allocation of more funds to the Panchayats;

(f) if so, whether the Government has formulated any national policy to make the Panchayati Raj Institutions a success in the rural areas; and

(g) if so, the details thereof including the action taken for effective implementation of the same?

Answer

MINISTER OF PANCHAYATI RAJ (SHRI MANI SHANKAR AIYAR)

(a) to (g) A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN PARTS (a), (b), (c), (d), (e) (f) and (g) OF LOK SABHA STARRED QUESTION NO.143 DUE FOR REPLY ON 15.7.2004.

(a) to (d) and (f) to (g): Article 243G of the Constitution provides that the Legislature of the State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate levels subject to such conditions as may be specified therein with respect to -

(i) the preparation of plans for economic development and social justice;

(ii) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule.

The Eleventh Schedule gives a list of 29 matters, and funds, functions and functionaries relating to matters including these 29 may be devolved by States to PRIs.

Also, for the planning and implementation of programmes and activities so devolved for economic development and social justice, Article 243-ZD mandates constitution of District Planning Committees by every State for which the Legislature of a State may, by law provide for

(a) the composition of the District Planning Committees;

(b) the manner in which the seats in such Committees shall be filled:

Provided that not less than four-fifths of the total number of members of such Committee shall be elected by, and from amongst, the elected members of the Panchayat at the district level and of the Municipalities in the district in proportion to the ratio between the population of the rural areas and of the urban areas in the district;

(c) the functions relating to district planning which may be assigned to such Committees;

(d) the manner in which the Chairpersons of such Committees shall be chosen.

Every District Planning Committee, in preparing the draft development plan is required to -

(a) have regard to -

(i) matters of common interest between the Panchayats and the Municipalities including spatial planning, sharing of water and other physical and natural resources; the integrated development of infrastructure and environmental conservation;

(ii) the extent and type of available resources whether financial or otherwise;

(b) consult such institutions and organisations as the Governor may, by order, specify.

The Chairperson of every District Planning Committee is required to forward the development plan, as recommended by such Committee, to the Government of the State.

Similarly, Article 243H of the Constitution provides that the Legislature of the State may, by law

(i) authorise a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;

(ii) assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purpose and subject to such conditions and limits;

(iii) provide for making such grants-in-aid to the Panchayats from the Consolidated Fund of the State; and

(iv) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Panchayats and also for the withdrawal of such moneys therefrom.

Thus, the authority relating to transfer of powers and funds to PRIs vests with the State Governments. Requests in this regard received from time to time were earlier looked into by the Ministry of Rural Development and now by the Ministry of Panchayati Raj. The Ministry of Rural Development in the past, and now the Ministry of Panchayati Raj are in constant contact with States/UTs to ensure that the provisions of the Constitution are complied with. The Ministry of Panchayati Raj has decided to facilitate and secure implementation of Constitution (73rd Amendment) Act, 1992 by States, in letter and spirit, by encouraging the States/UTs to adopt carefully drawn-up plans of action to, inter alia, devolve functions, functionaries and funds to Panchayati Raj Institutions and suitably empower Gram Sabhas and District Planning Committees to make Panchayati Raj Institutions true institutions of self-government for the planning and implementation of programmes of economic development and social justice, as envisioned in the Constitution.

(e) Twelfth Finance Commission has not yet submitted its report.